

A regular meeting of the Royal Oak City Commission was held on Monday, November 9, 2015, in the city hall, 211 Williams, Royal Oak. The meeting was called to order by Mayor Ellison at 7:30 p.m.

Commissioner Mahrle gave the Invocation. Everyone present gave the pledge of allegiance.

ROLL CALL	PRESENT	ABSENT
Mayor	Ellison	
Mayor Pro Tem	Poulton	
Commissioners	Douglas	
	DuBuc	
	Fournier	
	Mahrle	
	Paruch	

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FIRE DEPARTMENT CITIZEN LIFE SAVING AWARDS

Sergeant Gladieux presented Ms. Jamila Wilson and Mr. Steve Connolly with Citizen Life Saving Awards for their part in saving the life Ms. Helen Frizzo after she suffered a sudden cardiac arrest. They performed CPR until firefighters arrived.

Sgt. Gladieux reminded everyone that one Wednesday and one Saturday of the month the fire department offers CPR training. Please call 248-246-3800 to schedule a class.

Fire Chief Thomas also presented firefighters Kantzler, Davey, Peven and probationary firefighter Glab with Life Saving awards. Not present were firefighters Stark and Shell.

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PUBLIC COMMENT

Ms. Sara Tipton, 2310 Barrett, explained that she had spoken previously about the rat problem in her neighborhood. She had suggested the information on the website be made available to the general public. It was to be included with the water bill. She just received hers and it wasn't included.

Mayor Ellison stated it would be in the spring water bill.

Ms. Gwen Ross, 1801 Guthrie, stated that in 1999 the charge given to her, as Market Master, was to make the market more rentable and profitable for the city. Improvements were made based on necessity starting with the roof and a fire suppression system, which was needed to rent the market out. They also made the market handicap accessible and climate controlled. It was always meant to be an event venue as well as a farmers market. People spend thousands to rent the market. Part of that goes toward further improvements. It took years to draw events to the market. Now there were complaints that they were taking business away from local restaurants. She didn't think you could compare a market event with a brick and mortar business.

Mr. Franklin Dohanyos, 828 Edgewood, spoke about his experience in dealing with Matt Flynn. His group, the Scottish American Society of Michigan, entered into a contract with Mr. Flynn to put on Midwest Highland Games at Canterbury Village for a donation of \$2,500. They never received the money. As a result their charities never received their full donations. The Society, now defunct, held special events and raised part of the funds promised. He recommended not working with Mr. Flynn.

Mr. Kirk Horvet, 1026 Etowah, stated that the last time he was at public comment Mr. Johnson made the comment that the city does not get involved in border disputes and damage related to that. What legal

precedence was that set to? State Law dictates that has to be written in city guidelines. Where was it written?

Mayor Ellison asked the City Attorney to look into it.

Mr. Horvet continued stating that Jason Craig made false statements about him online. There were wires down. Water drainage from the new house went right into his basement. What did they do to support veterans?

Ms. Laura Harrison, 2729 Trafford, gave a report on the issue of having her garden repaired that was damaged when her sidewalk was replaced. She also spoke about Shop Small Saturday on November 28. Started by American Express the event was in its sixth year.

Mr. Ivan Herring, 202 E. Houstonia, asked how the sign ordinance amendment will affect political signs. If commercial signs are prohibited in zoned residential areas, will political yard signs be allowed if you can't regulate based on content? If political signs are removed will it be a burden on city resources? What about billboards?

Mr. Keith Olson, PO Box 1083, spoke regarding the illegal transport law. It is an unconstitutional law that does not apply to medical marihuana patients. Michigan has attacked his rights. Federal precedence is coming. The Royal Oak Police Department illegally arrested him for improper transport and took him to jail where he was assaulted. He had a letter from Chief O'Donohue sustaining his complaint. He was still considering filing a lawsuit. His email address is keitholson@gmail.com should any of the commission want to contact him.

Mayor Pro Tem Poulton announced the Veterans' Day ceremony will be held on November 11 at 11 a.m. at the War Memorial.

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APPROVAL OF AGENDA

Item 18 Set Public Hearing Date Vacation of Alley East of Woodward, North of Guilford was added to the agenda.

Moved by Commissioner Paruch
Seconded by Commissioner Douglas

BE IT RESOLVED that the city commission hereby approves the agenda for the November 9, 2015 meeting as amended.

ADOPTED UNANIMOUSLY

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CONSENT AGENDA

Moved by Mayor Pro Tem Poulton
Seconded by Commissioner Paruch

BE IT RESOLVED that the city commission hereby approves the consent agenda as follows:

- A. BE IT RESOLVED that the city commission minutes of October 19, 2015 are hereby approved.
- B. BE IT RESOLVED that the claims of October 27, 30 and November 10, 2015 audited by the department of finance are hereby approved.

- C. Be it resolved, the city commission approves the following requisitions/purchase orders for fiscal year 2015-16:

Requisition #	change order
Vendor:	Trailer & Truck Specialties
Requesting approval for:	additional \$975 total \$97,430
Price Source:	quote
Department / Fund:	motor pool
Description:	dump box safety lock
Requisition #	change order
Vendor:	Royal Oak Ford
Requesting approval for:	additional \$33,030 total \$399,420
Price Source:	quote
Department / Fund:	motor pool
Description:	additional items for transit vans (fixed rear glass, back up alarm, running board passenger side, power group package), one 2016 4DR AWD XLT explorer.
Requisition #	change order
Vendor:	Canfield Equipment Service, Inc
Requesting approval for:	additional \$10,570 total \$14,000
Price Source:	quote
Department / Fund:	motor pool
Description:	equipment for new F-250
Requisition #	change order
Vendor:	Konica Minolta
Requesting approval for:	additional \$48,000 total \$98,000
Price Source:	in a multi year contract
Department / Fund:	information systems
Description:	increased utilization
Requisition #	change order
Vendor:	Rehmann
Requesting approval for:	additional \$2,000 total \$55,500
Price Source:	bid by Royal Oak
Department / Fund:	general fund/administration fees
Description:	additional major program audited – FEMA grant
Requisition #	change order
Vendor:	ABS Storage Products
Requesting approval for:	additional \$25,644 total \$35,520
Price Source:	quote
Department / Fund:	motor pool
Description:	equipment for 3 new police vehicles
Requisition #	change order
Vendor:	Dell Service Sales
Requesting approval for:	additional \$10,000 total \$30,190
Price Source:	quote
Department / Fund:	information systems
Description:	additional and replacement computers

- D. BE IT RESOLVED, the city commission declares the above property surplus and authorizes the disposal of those items by auction, recycling or disposal. Any net proceeds from the sale of items listed under "general" will be deposited into the general fund revenue account 101.000.67100.
- E. Be it resolved the commission hereby approves the addition of work as shown on Table 1 adjusting 2014 Water Main Improvements Contract W1404 with C&P Contracting Co., Inc. of Shelby Township, Michigan as contract modification 1 for the amount of \$16,725, and directs staff to adjust the purchase order accordingly.
- F. Whereas, pursuant to provisions of Chapter 12, City Charter of Royal Oak, as amended, the Royal Oak City Commission may commence proceedings for the making of local public improvements within the city and determine the tentative necessity thereof without a petition; and

Whereas, the Royal Oak City Commission deems it in the public interest, health, and welfare to make certain public improvements in the city, to wit:

27-foot wide, 6-inch thick concrete pavement with integral curb and gutter of N. Lafayette Avenue from W. Derby Avenue to north lot line of Lot 189

Now, therefore be it resolved that:

1. The city assessor be and is hereby directed to cause to be prepared a report which shall include necessary plans, profiles, specifications and detailed estimates of costs, an estimate of the life of the improvements, and a description of the public improvements, and to prepare a special assessment of the district and such other pertinent information as will permit the commission to decide the cost, extent, and necessity of the improvement proposed and what part or proportion thereof should be paid by special assessments upon the property especially benefited and what part, if any, should be paid by the city.
 2. When the aforesaid report is completed, the city assessor shall file the same with the city clerk for presentation to the commission.
 3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.
- G. Be it resolved the mayor and city clerk are authorized to execute the agreement with 123.Net, Inc. on behalf of the city.
- Be it further resolved the city commission hereby approves the 123.Net, Inc. purchase order for voice and data services in the amount of \$18,500 for the balance of the fiscal year.
- H. Be it resolved, the city commission hereby authorizes the mayor and city clerk to execute the MDOT form 2207B - Performance Resolution for Governmental Agencies authorizing the following positions to apply to the Michigan Department of Transportation for the necessary permit to work within state trunk line right of way on behalf of the governmental body:

Matthew J. Callahan, P.E., City Engineer;
Greg Rassel, Director of Recreation and Public Services

- I. BE IT RESOLVED, the city commission hereby adopts the Illegal Transportation of Medical Marijuana Ordinance (Exhibit A) on second reading.

ADOPTED UNANIMOUSLY

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**PUBLIC HEARING OF ASSESSMENT
PAVING OF PUBLIC ALLEY EAST OF ROCHESTER
BETWEEN MILLARD AND WHITCOMB**

Commissioner DuBuc left the table at 8:14 p.m.

Mayor Ellison opened the public hearing.

Commissioner DuBuc returned at 8:16 p.m.

Mr. Soren Anderson, 404 Mt. Vernon, represented Mr. Zahr operator of the Oasis Market located at 4130 Rochester Road. He distributed a set of pictures showing the alley and the entrance to the market. There's a fence between the market and the alley. They do not use the alley so there is no benefit. The runoff comes from the apartment building.

Mr. Stephan Pytel, owner of Regency Apartments, was in favor of paving the parking lot. The alley way has never been paved or taken care of by the city. It would help with the runoff issue.

Ms. Danielle Spehar, represented Mr. Berti, a non-consenting homeowner at 612 Whitcomb. Mr. Berti is a 90 year old retiree on a fixed income. It would create an economic hardship and they asked that consideration given to the length of the assessment and the period of time they would be able to pay the assessment.

There being no one else who wished to speak the public hearing was closed.

Moved by Commissioner DuBuc
Seconded by Commissioner Fournier

BE IT RESOLVED the city commission hereby directs staff to determine if there is a policy that special assessment payback be 15 years and if so if it's possible to amend that policy to 20 years if the resident shows financial hardship.

ADOPTED UNANIMOUSLY

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**PUBLIC HEARING OF NECESSITY
STANDARD RESOLUTIONS 3 & 4
PAVING PUBLIC ALLEY EAST OF ROCHESTER
AND SOUTH OF FOURTEEN MILE**

Mayor Ellison opened the public hearing.

Mr. Robert Pomponi has had a business on Rochester Road for 48 years. He was in favor of the paving of the alley and felt it should have been done years ago. The cost will just keep going up.

Mr. Mario Valente, 4738 Rochester Road, owns the Sunoco station on the corner. He agreed something needed to be done, but he shouldn't be assessed because he won't receive any benefit. It would be a hardship.

Mr. Scott Rosenthal, 4724 Rochester Road, owns the Royal Inn Bar. There was a need but he didn't think the assessment was fair. The businesses on 14 Mile use the parking lot but aren't being assessed the same. The number of his parking spaces was incorrect.

There being no one else who wished to speak the public hearing was closed.

Moved by Commissioner Paruch
Seconded by Commissioner Douglas

Whereas, the city commission, after due and legal notice, has met and heard all interested persons to be affected by the proposed public improvements hereinafter described; and

Whereas, the city commission deems it advisable and necessary to proceed with said public improvements:

3-inch thick hot mix asphalt, new catch basin and 10-inch diameter drainage pipe in public alley located south of 14 Mile Road and east of Rochester Road

Now, therefore be it resolved that:

1. The city commission hereby determines to make the public improvements described above and to defray the cost by special assessment upon the property specially benefited in proportion to the benefits to be derived.

2. The city assessor is directed to prepare and finalize the profiles, plans, and specifications for the public improvements.

3. The city commission tentatively determines that of said total estimated cost the sum of \$80,528 be paid by special assessment upon the properties specially benefited, as more particularly hereinafter described.

4. The city commission hereby designates the following lots and parcels of land as the property to comprise the special assessment district upon which the special assessments shall be levied:

25-03-201-001 25-03-201-002 25-03-201-003 25-03-201-027 25-03-201-009

5. When the city assessor shall have completed the special assessment roll, he shall report the same to the city commission and the same shall be filed with the city clerk, such report shall be signed by the city assessor and may be in the form of a certificate as provided for in Chapter Twelve, Section Seven of the City of Royal Oak charter, indicating that he has conformed in all things to the directions contained in this resolution and the City of Royal Oak charter relating to such assessment.

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

ADOPTED UNANIMOUSLY

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Moved by Commissioner Paruch
Seconded by Commissioner DuBuc

Whereas, the city assessor has prepared a special assessment roll for the purpose of specifically assessing that portion of the costs of the public improvement more particularly hereinafter

described to the properties specially benefited by said public improvement, and the same has been presented to the city commission by the city clerk.

Now, Therefore Be It Resolved:

1. Said Special Assessment Roll No. 2396 is hereby accepted and shall be filed in the office of the city clerk for public examination.
2. The city commission shall meet at the city hall, at 7:30 o'clock, p.m., Eastern Time on December 7, 2015 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same, and at said meeting all interested persons shall be afforded an opportunity to be heard.
3. The city clerk is directed to publish the notice of said hearing once in the Royal Oak Review, Warren, Michigan, a newspaper of general circulation in the City of Royal Oak, said publication to be not less than five (5) full days prior to the date of said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of or person in interest in property to be assessed as shown by the last general tax assessment roll of the city, at least ten (10) full days before the time of said hearing, and said notice to be mailed to the addresses shown on said general tax rolls of the city.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

Notice of Hearing to Review
Special Assessment Roll
City of Royal Oak
County of Oakland, Michigan

To the owners of all property within the following described special assessment district:

25-03-201-001 25-03-201-002 25-03-201-003 25-03-201-027 25-03-201-009

Take notice, that a special assessment roll has been prepared for the purpose of defraying the special assessment district's share of the cost of the following described public improvement:

3-inch thick hot mix asphalt, new catch basin and 10-inch diameter drainage pipe in public alley located south of 14 Mile Road and east of Rochester Road

The special assessment district is comprised of the following described property:
Tax parcels identified as:

25-03-201-001 25-03-201-002 25-03-201-003 25-03-201-027 25-03-201-009

The said special assessment roll is on file for public examination with the city clerk and any objections to said special assessment roll may be made in writing prior to the close of the hearing to review said special assessment roll.

Take further notice that the city commission and the city assessor will meet at the City Hall, 211 Williams Street, at 7:30 o'clock, p.m., Eastern Time on December 7, 2015, for the purpose of reviewing said special assessment roll and hearing any objections thereto.

Melanie Halas, City Clerk

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

ADOPTED UNANIMOUSLY

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REZONE 1100 SOUTH MAIN STREET, FIRST READING

Moved by Mayor Pro Tem Poulton
Seconded by Commissioner Fournier

Whereas, the Royal Oak Planning Commission held public hearings on August 11, 2015, and October 13, 2015, and recommends approval of a proposed amendment to the City of Royal Oak Zoning Map for the purpose of rezoning 1100 South Main Street (parcel number 25-21-433-011) from mixed use 2 to planned unit development (P.U.D.) and approving the associated final P.U.D. site plan (sp 15-10-25); and

Whereas, the Royal Oak City Commission has determined that the P.U.D. will result in a recognizable and material benefit to the residents of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the P.U.D. regulations; and

Whereas, the Royal Oak City Commission has determined that the proposed uses will not result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities; and

Whereas, the Royal Oak City Commission has determined that the proposed development will be consistent with the public health, safety and welfare of the city, and will not result in an unreasonable negative economic impact upon surrounding properties; and

Whereas, the Royal Oak City Commission has determined that the proposed development is under single ownership and/or control such that there is a single entity having responsibility for completing the project in conformity with the zoning ordinance; and

Whereas, the Royal Oak City Commission has determined that the zoning map amendment to P.U.D. and the associated final P.U.D. site plan are consistent with the goals and objectives of the Royal Oak master plan and has received the record of public comments taken at the public hearings held at the Royal Oak Planning Commission meetings of August 11, 2015 and October 13, 2015.

Therefore, be it resolved, that ordinance 2015-20, entitled an ordinance to amend the zoning map of the City of Royal Oak is hereby adopted on first reading.

The City of Royal Oak ordains:

Section 1 ordinance. Pursuant to the provision of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and pursuant to all applicable provisions of law, the zoning map of the City of Royal Oak is hereby amended to rezone 1100 South Main Street (parcel number 25-21-433-011) from mixed use 2 to planned unit development (P.U.D.) and the associated final P.U.D. site plan (sp 15-10-25) is hereby approved, provided:

1. The mirror, utility poles, and directional signs shall be placed in the correct locations within the public alley right-of-way, and the petitioner shall work with staff to provide appropriate safety mechanisms at exits and entrances – low-impact alarm, bell, blinking light, and mirrors.

2. A performance bond shall be posted in an amount to be determined by the building official.

3. The site plan shall meet all other code and ordinance requirements, as determined by the building official and city engineer, including, but not limited to, the Michigan building code and the city's stormwater detention ordinance (chapter 644), and the city commission shall rezone the site to P.U.D. and approve the final P.U.D. plan and associated development agreement, prior to issuance of any building or right-of-way permits.

Section 2 severability. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 3 savings. As proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 4 repealer. All ordinance or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 5 effective date. A summary of this ordinance shall be published in a newspaper of general circulation in the City of Royal Oak and shall become effective ten (10) days after publication, as provided by law.

Be it further resolved that the city commission directs staff to prepare a development agreement required under article VIII of the zoning ordinance for consideration by the city commission as part of the required second reading of ordinance 2015-20.

ADOPTED UNANIMOUSLY

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SMART PARK NAMING

Moved by Commissioner Mahrle
Seconded by Commissioner DuBuc

Be it resolved, Royal Oak elementary school students shall be encouraged to submit ideas for naming the new park adjacent to the Center Street Parking Structure.

Be it further resolved, the administration is directed to work with the Royal Oak School District on a program to solicit such input, review responses and suggest finalists for consideration by the Royal Oak Naming Committee.

ADOPTED UNANIMOUSLY

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QUADRICYCLE LICENSE APPLICATION FEE

Moved by Commissioner Fournier
Seconded by Commissioner DuBuc

Be it resolved, the Quadricycle License Application Fee is set at \$125.00.

ADOPTED UNANIMOUSLY

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**SPECIAL EVENT PERMIT
SANTA HAT HUSTLE**

Moved by Commissioner Mahrle
Seconded by Commissioner DuBuc

Be it resolved, that the special event permit for the Santa Hat Hustle (5K and 10K) is hereby denied.

ADOPTED UNANIMOUSLY

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PROCUREMENT/CREDIT CARD POLICY

Moved by Commissioner Paruch
Seconded by Commissioner Fournier

Be It Resolved the city commission hereby approves the enclosed new procurement/credit card policy and any procurement/credit card policy adopted in the past is rescinded.

ADOPTED UNANIMOUSLY

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FIRST MERIT BANK CREDIT CARD AGREEMENT

Moved by Commissioner Paruch
Seconded by Commissioner Douglas

Be it resolved, the city commission hereby approves the First Merit Bank's MasterCard purchasing credit card agreement.

Be it further resolved, the mayor and city clerk are authorized to execute the First Merit SmartData agreement and registration on behalf of the city.

Be it further resolved, the mayor and city clerk are authorized to execute the First Merit Bank's credit card rebate program agreement.

Be it further resolved, the city's finance director is authorized to execute the First Merit MasterCard commercial credit purchasing card application on behalf of the city.

Be it finally resolved, the city's purchasing agent is authorized to execute the First Merit MasterCard eCustomer service registration form on behalf of the city.

ADOPTED UNANIMOUSLY

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2016 CITY COMMISSION MEETING SCHEDULE CONSIDERATIONS

This item will be brought back at the December 7, 2015 meeting for approval.

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STRATEGIC PLANNING PROCESS

Moved by Commissioner Mahrle
Seconded by Commissioner Douglas

Be it resolved, the mayor may appoint three commissioners to serve on a committee to plan the 2016-17 strategic planning process.

Be it further resolved, that committee is empowered to select the date and time for a meeting or multiple meetings, select the location for said meeting(s), select a facilitator for the meeting(s), plan the agenda and make all other decisions about the process.

Be it finally resolved, the committee shall choose a chair person who shall report back to the full commission regularly on the committee's progress.

ADOPTED UNANIMOUSLY

Mayor Ellison appointed Commissioners Douglas, DuBuc and Fournier to the committee.

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SET PUBLIC HEARING DATE VACATION OF ALLEY EAST OF WOODWARD, NORTH OF GUILFORD

Moved by Commissioner Paruch
Seconded by Commissioner Mahrle

Whereas, a request from the property owner of the adjacent parcels has been received to vacate the 20-foot wide public alley described as the southerly 20 feet of the easterly 7 feet of Lot 590, and the southerly 20 feet of the westerly 13 feet of Lot 589, Sagamore Subdivision, and

Whereas, the city commission deems it advisable to vacate the following described public right-of-way:

A 20-foot wide public alley described as the southerly 20 feet of the easterly 7 feet of Lot 590, and the southerly 20 feet of the westerly 13 feet of Lot 589, Sagamore Subdivision, and

Whereas, the city commission deems it advisable to retain an easement for public utilities to the above mentioned public right-of-way.

Therefore, be it resolved, the city commission hereby schedules a public hearing for December 7, 2015 at 7:30 p.m. on vacating the above referenced public right-of-way and retaining full easement for public utilities; and

Therefore, be it additionally resolved, that the resolution of the city commission at its regularly scheduled meeting on Monday, October 19, 2015, the public alley east of Woodward and north of Guilford Drive, is rescinded in its entirety.

ADOPTED UNANIMOUSLY

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Upon motion of Commissioner Fournier, seconded by Commissioner Douglas, and adopted unanimously, the regular meeting was adjourned at 9:28 p.m.

Melanie Halas, City Clerk

The foregoing minutes of the regular meeting held on November 9, 2015, having been officially approved by the city commission on Monday, December 7, 2015, are hereby signed this seventh day of December 2015.

James B. Ellison, Mayor

Exhibit A

ORDINANCE 2015 - 19

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ROYAL OAK TO PROHIBIT THE ILLEGAL TRANSPORTATION OF MEDICAL MARIJUANA

THE CITY OF ROYAL OAK ORDAINS:

SECTION 1. FINDINGS, INTENT AND PURPOSE.

- (a) The city finds that the State of Michigan has enacted a law, MCL 750.474, regulating the transportation of medical marijuana in motorized vehicles.
- (b) The city further finds, based upon information and reports, that MCL 750.474 was enacted to reduce risks to the public by preventing easy access to marijuana while a motorized vehicle is moving, similar to laws regulating the transportation of firearms and prohibiting open alcoholic containers in motor vehicles.
- (c) The city further finds that, based upon information and reports, it is unable to prosecute the improper transportation of medical marijuana within the city because the Royal Oak criminal code currently prohibits only the possession of marijuana and drug paraphernalia.
- (d) Based on these findings, this ordinance is adopted for the purpose and with the intent to protect the public health and safety of the city and its residents from the threat posed by the improper transportation of medical marijuana.

SECTION 2: SHORT TITLE.

This ordinance shall be known and may be cited as the "Medical Marijuana Transport Ordinance".

SECTION 3. AMENDMENT TO CHAPTER _____

The Code of the City of Royal Oak is hereby amended at Chapter __, which shall now read as follows:

"CHAPTER _____" Usable Marijuana; Transport or Possession; Enclosed Case Required; Violations, Punishment

A person shall not transport or possess usable marijuana as defined in section 26423 of the public health code, 1978 PA 368, MCL 333.26423, in or upon a motor vehicle or any self-propelled vehicle designed for land travel unless the usable marijuana is 1 or more of the following:

- (a) Enclosed in a case that is carried in the trunk of the vehicle.
- (b) Enclosed in a case that is not readily accessible from the interior of the vehicle, if the vehicle in which the person is traveling does not have a trunk.

SECTION 4. PENALTIES.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both

SECTION 5. SEVERABILITY

Should any section, subdivision, sentence, clause or phrase of this ordinance, be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part as invalidated.

SECTION 6. SAVINGS.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

SECTION 7. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 8. EFFECTIVE DATE.

This ordinance shall take effect ten (10) days after the final passage thereof.